

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Song HU et al.

Serial No.: 09/903,582

Filed: July 13, 2001

For: ISOLATED HUMAN SECRETED
PROTEINS, NUCLEIC ACID MOLECULES
ENCODING HUMAN SECRETED PROTEINS,
AND USES THEREOF

Art Unit: 1652

Examiner: D. Ramirez

Atty. Docket: CL001274

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to an Office Action mailed on July 29, 2005 from Examiner Ramirez in which a restriction requirement was issued for the above-referenced application.

In response to the restriction requirement, Applicants hereby elect, with traverse, claim group II (claim 3, drawn to antibodies) for examination and have canceled claims corresponding to the non-elected groups III-XI.

However, applicants respectfully request that the Examiner reconsider the claim division of the restriction requirement and combine group II (drawn to antibodies) with group I (drawn to polypeptides).

In particular, examination of the polypeptide claims of group I and examination of the antibody claims of group II, in which the antibodies claimed in the group II claims selectively bind the polypeptides that are claimed in the group I claims (as in the instant situation), are both based on search and examination of the amino acid sequence of the polypeptides claimed in the group I claims. Therefore, because the search and examination necessary to examine the claims of both groups I and II together is

substantially similar to the search and examination necessary to examine either of group I or group II alone, it is believed that search and examination of the claims of groups I and II combined would not unduly burden the Examiner with additional review issues.

Accordingly, Applicants are hereby amending claim 3 and presenting new claims 24-36 drawn to antibodies and respectfully request entry, search, and examination of these antibody claims. Additionally, should the Examiner reconsider the restriction requirement based on the above remarks and combine group I (polypeptides) with group II (antibodies), Applicants are also hereby amending claims 1-2 and presenting new claims 37-38 drawn to polypeptides and respectfully request entry, search, and examination of these polypeptide claims together with the antibody claims.

Please amend the application as follows: